

I. INTRODUCTION

A. Purpose

The purpose of compensatory leave and overtime pay is to grant equal time off or an overtime rate of pay for authorized work in excess of an employee's normally prescribed hours of duty in accordance with the Fair Labor Standards Act as amended in 1986. Regulatory reference: Classified: 101 KAR 2:102, Section 5. Unclassified: 101 KAR 3:015, Section 5.

B. Definitions

1. Exempt Employees: Employees who meet the requirements for "executive", "administrative", or "professional" exemptions under the provisions of the Fair Labor Standards Act as amended in 1986.
2. Non-Exempt Employees: In general non-exempt employees are those who do not meet the requirements for "executive", "administrative", or "professional" exemptions. Note: All employees paid on an hourly basis are non-exempt.
3. Policy Making Positions: Within this department it includes the State Librarian/Commissioner, Deputy Commissioner, Principal Assistant, and all Division Directors.
4. Workweek: The workweek for this department shall begin at 12:01 a.m. Sunday and ends at midnight on Saturday.

II. GENERAL PROVISIONS

A. Compensatory Leave; Accrual

1. Compensatory leave may be accumulated or taken off in one-quarter (1/4) hour increments.
2. All full-time employees whose prescribed hours of duty are normally thirty-seven and one-half (37 1/2) per week shall receive compensatory leave on an hour-for-hour basis until the total hours worked in that workweek reaches forty (40).
3. All part-time employees are paid on a hourly basis and do not routinely earn compensatory leave; however, they may earn compensatory leave when permitted to work in lieu of time off on a holiday, in lieu of voting leave or as their duties require.

4. The maximum amount of compensatory leave that may be accumulated shall be two hundred and forty (240) hours.

B. Prior Authorization for Compensatory Leave or Overtime

An employee shall accumulate compensatory leave or be paid for hours worked in excess of his/her normal prescribed hours of duty only when such work is expressly authorized by the supervisor.

NOTE: If a supervisor has knowledge of an employee working overtime and does not prevent him/her from working then such work is considered to be authorized.

C. Granting of Compensatory Leave

An employee who has accrued compensatory leave shall be permitted by the supervisor to take such time off when practicable and will not unduly disrupt the operations of the agency, in accordance with 101 KAR 2:102 (5)(2)(a) .

D. Transfer of Compensatory Leave

An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his/her compensatory leave in the receiving agency.

E. Payment for 50 Hours

1. An employee, except one who is in a policy making position, may, after accumulating one hundred and fifty-one (151) hours of compensatory leave, request that he/she be paid for fifty (50) hours at his/her regular rate of pay. If such a request is approved, an employee's leave balance shall be reduced accordingly.
2. All employees, except those who are in policy making positions, shall be paid for fifty (50) hours at their regular hourly rate of pay upon accumulating two hundred and forty (240) hours of compensatory leave. The employee's leave balance shall be reduced accordingly.

III. OVERTIME PROVISIONS

A. Non-Exempt Employees

A non-exempt employee shall be paid or earn compensatory time at one and one-half (1 1/2) times his/her regular rate for all hours worked in excess of forty (40) per workweek. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

B. Exempt Employees

Exempt employees are not eligible for time and a half overtime pay for hours worked over 40 hours per workweek, but accumulate compensatory time on an hour for hour basis for all hours worked in excess of normal working hours.

IV. PROCEDURES

A. Compensatory and/or Overtime Authorization Form

1. The "Compensatory and/or Overtime Authorization" form normally must be completed and approved prior to any work that will require an employee to work in excess of their prescribed hours of duty; however, exempt employees who are on a field assignment may request verbal authorization from their supervisor.
2. The "Compensatory and/or Overtime Authorization" form must be attached and submitted with the employee's time sheet at the end of every pay period. This form will serve to report any earned compensatory leave and/or overtime.

B. Acquiring the Authorization to Earn Compensatory Leave

1. If an employee believes that a task requires work beyond his/her normal hours of duty, he/she should discuss the matter with the immediate supervisor and verbally request the authorization to work overtime.
2. If the supervisor believes that the additional work is justified, then the supervisor should complete the "Compensatory and/or Overtime Authorization" form.

C. Requesting the Use of Compensatory Leave

Employees should use the standard "Request for Leave" form when requesting the use of compensatory leave time.

D. Reductions in compensatory leave balances

1. An appointing authority may require an employee who has accrued at least 100 hours compensatory leave to use compensatory leave before annual leave and shall otherwise allow the use of compensatory leave if it will not unduly disrupt the operations of the agency.
2. An appointing authority may require an employee who has accrued 200 hours of compensatory leave to take off work using compensatory leave in an amount sufficient to reduce the compensatory leave balance below 200 hours.

NOTE: An employee may not be directed to take compensatory leave as a form of disciplinary action.

3. If an employee's prescribed hours of duty are normally less than forty (40) hours per week, the employee shall receive compensatory leave for the number of hours worked that:
 - (a) Do not exceed the maximum amount of compensatory time that is permitted.
 - (b) Only hours actually worked shall be used for computing paid overtime or time and one-half (1 ½) compensatory time.
4. Upon separation from state service, an employee shall be paid for all unused compensatory leave at the greater of his:
 - (a) Regular hourly rate of pay; or
 - (b) Average regular rate of pay for the final three (3) years of employment.

E. Deviations

The State Librarian/Commissioner may approve deviations from these procedures if such deviations are in the best interest of the department and are necessary for the efficient operation of the department provided they do not conflict with the Fair Labor Standards Act, 101 KAR 2:102, Section 5, and 101 KAR 3:015, Section 5.